

Lyon & Lyon LLP  
Docket Information  
239/029

# DECLARATION Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled GUIDEWIRE FILTER AND METHODS OF USE the specification of which

(Check One) ☒ is attached hereto OR  
☐ was filed on \_\_\_\_\_ as United States Application Serial No. Not yet assigned or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

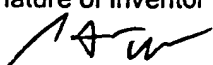
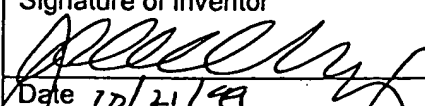
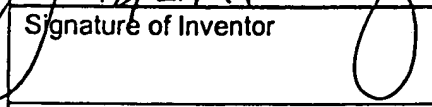
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Send Correspondence to: John Kappos	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071	Direct Telephone calls to: (714) 751-6606
--	---	--

	FULL NAME OF INVENTOR	FIRST Name ROSS	MIDDLE Initial	LAST Name TSUGITA	
201	RESIDENCE & CITIZENSHIP	City Mountain View	State or Foreign Country California	Country of Citizenship USA	
	POST OFFICE ADDRESS	1653 Gretel Lane	City Mountain View	State or Country CA	Zip Code 94040
	FULL NAME OF INVENTOR	FIRST Name JEAN	MIDDLE Initial	LAST Name CHANG	
202	RESIDENCE & CITIZENSHIP	City Mountain View	State or Foreign Country California	Country of Citizenship USA	
	POST OFFICE ADDRESS	645 Clyde Avenue	City Mountain View	State or Country CA	Zip Code 94043
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name	
203	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	POST OFFICE ADDRESS		City	State or Country	Zip Code
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name	
204	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	POST OFFICE ADDRESS		City	State or Country	Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor	201
	
Date	10/28/99
Signature of Inventor	202
	
Date	12/21/99
Signature of Inventor	203
	
Date	

Signature of Inventor	204
Date	
Signature of Inventor	205
Date	
Signature of Inventor	206
Date	

(Signatures should conform to names as presented at 201 et seq. above.)

**POWER OF ATTORNEY  
By Assignee**

EMBOL-X, Inc., assignee(s) of the application for United States Letters Patent for an improv ment in GUIDEWIRE FILTER AND METHODS OF USE by Ross Tsugita and Jean Chang the specification of which is

☒ filed herewith, or  
☐ filed \_\_\_\_\_ having Serial No. \_\_\_\_\_

hereby appoints as its attorneys and/or agents, with full power of substitution and revocation, to prosecut this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; and F. T. Alexandra Mahaney, Reg. No. 37,668; Stephen S. Komiczky, Reg. No. 34,853; James P. Brogan, Reg. No. 35,833; David A. Randall, Reg. No. 37,217; Christopher A. Vanderlaan, Reg. No. 37,747; and John Kappos, Reg. No. 37,861, and Jon Hallman, Reg. No. 42, 622.

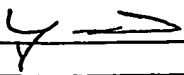
Send Correspondence to:  
John Kappos

LYON & LYON LLP  
633 W Fifth St., Suite 4700  
Los Angeles, CA 90071-2066

Direct Telephone calls to:  
(714) 751-6606

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s) which is filed for recordation herewith. To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Assignee: EMBOL-X, INC.	
Post Office Address 645 Clyde Avenue, Mountain View, CA 94043-2213	
Signature of Declarant or Assignee: 	Date: 10/21/88

Full Name of Declarant	
If Other Than Assignee: Yue-Teh Jang	
Title of Declarant: President and CEO	
Address of Declarant: 645 Clyde Avenue, Mountain Vi w, CA 94043-2213	

## ASSIGNMENT

WHEREAS, EMBOL-X, Inc., a Delaware corporation with its principal offices located at 645 Clyde Avenue, Mountain View, California 94043-2213, U.S.A., owns all rights, title and interest in the following pending U.S. patent applications and issued patents as well as all patent applications claiming priority therefrom:

<u>Appln. Serial No./</u> <u>Patent No.</u>	<u>Filing Date/</u> <u>Issue Date</u>	<u>Title of Application/</u> <u>Patent</u>
09/335,849	June 15, 1999	Guiding Catheter for Positioning a Medical Device Within an Artery
09/366,192	August 3, 1999	Guided Filter with Support Wire and Methods of Use
09/369,052	August 4, 1999	Filter Flush System and Methods of Use
09/369,060	August 4, 1999	Percutaneous Catheter and Guidewire for Filtering During Ablation of Myocardial or Vascular Tissue
09/421,138	October 19, 1999	Percutaneous Catheter and Guidewire Having Filter and Medical Device Deployment Capabilities
09/440,204	November 15, 1999	Guidewire Filter and Methods of Use
09/453,659	December 3, 1999	Distal Protection Device and Method
09/455,013	December 3, 1999	Guidewire Having Filter and Medical Device Deployment Capabilities
09/470,026	December 22, 1999	Endoluminal Occlusion-Irrigation Catheter with Aspiration Capabilities and Methods of Use
09/481,774	January 11, 2000	Guidewire Having Filter and Medical Device Deployment Capabilities
09/560,360	April 28, 2000	Guidewire Filter and Methods of Use
5,662,671	September 2, 1997	Atherectomy Device Having Trapping and Excising Means for Removal of Plaque From the Aorta and Other Arteries
5,895,399	April 20, 1999	Atherectomy Device Having Trapping and Excising Means for Removal of Plaque From the Aorta and Other Arteries
5,910,154	June 8, 1999	Percutaneous Catheter and Guidewire Having Filter and Medical Device Deployment
5,911,734	June 15, 1999	Percutaneous Catheter and Guidewire Having Filter and Medical Device Deployment Capabilities
5,993,469	November 30, 1999	Guiding Catheter for Positioning a Medical Device Within an Artery
5,997,557	December 7, 1999	Method for Aortic Atherectomy
6,010,522	January 4, 2000	Atherectomy Device Having Trapping and Excising Means for Removal of Plaque From the Aorta and Other Arteries
6,027,520	February 22, 2000	Percutaneous Catheter and Guidewire Having Filter and Medical Device Deployment Capabilities;

WHEREAS, SciMed Life Systems, Inc. is a Minnesota corporation with its principal address at One SciMed Place, Maple Grove, Minnesota 55311-1566, U.S.A.;

NOW, THEREFORE, to all whom it may concern, be it known that pursuant to the parties' prior agreement and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, EMBOL-X, Inc., has assigned and transferred, and by this instrument does assign and transfer unto said SciMed Life Systems, Inc., its successors or assigns, the entire right, title and interest, for all countries, in and to all inventions and improvements disclosed in the aforesaid applications and patents, and in and to any and all patent applications which shall be filed in all countries for said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Patents which may be granted therefrom, provided, however, that EMBOL-X, Inc. does not assign or transfer to SciMed Life Systems, Inc. U.S. Patent No. 6,042,598 and U.S. Application Serial No. 09/455,011, filed December 3, 1999, both directed to EMBOL-X, Inc.'s field of use as defined in the parties' prior agreement, and any patent or application claiming priority to U.S. Patent No. 6,042,598 or U.S. Application Serial No. 09/455,011 that is directed to EMBOL-X, Inc.'s field of use as defined in the parties' prior agreement.

The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.


IN TESTIMONY WHEREOF, I have hereunto set my hand this 17<sup>th</sup> day of November, 2000.

EMBOL-X, INC.

By: [Signature]  
Title: President & CEO

COUNTY OF Santa Clara )

EDWIN LEE  
Commission # 1242346  
Notary Public - California  
Santa Clara County  
My Comm. Expires Nov 19, 2003

  
\_\_\_\_\_  
Notary Public

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Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

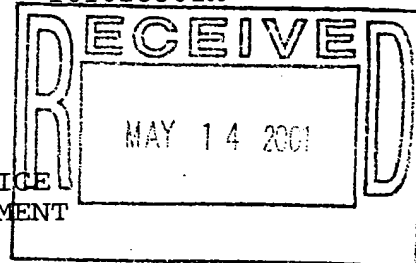
MAY 10, 2001

PTAS

CROMPTON, SEAGER & TUFTE, LLC  
GLENN M. SEAGER  
331 SECOND AVENUE SOUTH, SUITE 895  
MINNEAPOLIS, MINNESOTA 55401-2246



\*101628501A\*



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/26/2001

REEL/FRAME: 011541/0810  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

EMBOL-X, INC.

DOC DATE: 11/17/2000

## ASSIGNEE:

SCIMED LIFE SYSTEMS, INC.  
ONE SCIMED PLACE  
MAPLE GROVE, MINNESOTA 55311

SERIAL NUMBER: 09335849  
PATENT NUMBER: 6179851 1001/419106

FILING DATE: 06/15/1999  
ISSUE DATE: 01/30/2001

SERIAL NUMBER: 09366192  
PATENT NUMBER: 6142987 1420101

FILING DATE: 08/03/1999  
ISSUE DATE: 11/07/2000

SERIAL NUMBER: 09369052  
PATENT NUMBER: 6168579 1401101

FILING DATE: 08/04/1999  
ISSUE DATE: 01/02/2001

SERIAL NUMBER: 09369060  
PATENT NUMBER: 6235044 1406101

FILING DATE: 08/04/1999  
ISSUE DATE: 05/22/2001

SERIAL NUMBER: 09421138  
PATENT NUMBER: 6165200

*1416104*

FILING DATE: 10/19/1999  
ISSUE DATE: 12/26/2000

SERIAL NUMBER: 09440204  
PATENT NUMBER:

*1422101*

FILING DATE: 11/15/1999  
ISSUE DATE:

SERIAL NUMBER: 09453659  
PATENT NUMBER:

*1416106*

FILING DATE: 12/03/1999  
ISSUE DATE:

SERIAL NUMBER: 09455013  
PATENT NUMBER:

*1416105*

FILING DATE: 12/03/1999  
ISSUE DATE:

SERIAL NUMBER: 09470026  
PATENT NUMBER:

*1425101*

FILING DATE: 12/22/1999  
ISSUE DATE:

SERIAL NUMBER: 09481774  
PATENT NUMBER:

*1416107*

FILING DATE: 01/11/2000  
ISSUE DATE:

SERIAL NUMBER: 09560360  
PATENT NUMBER:

*1422102*

FILING DATE: 04/28/2000  
ISSUE DATE:

SERIAL NUMBER: 08683503  
PATENT NUMBER: 5662671

*1419101*

FILING DATE: 07/17/1996  
ISSUE DATE: 09/02/1997

SERIAL NUMBER: 08728035  
PATENT NUMBER: 5895399

*1419104*

FILING DATE: 10/09/1996  
ISSUE DATE: 04/20/1999

SERIAL NUMBER: 09022510  
PATENT NUMBER: 5910154

*1416102*

FILING DATE: 02/12/1998  
ISSUE DATE: 06/08/1999

SERIAL NUMBER: 08852867  
PATENT NUMBER: 5911734

*1416101*

FILING DATE: 05/08/1997  
ISSUE DATE: 06/15/1999

SERIAL NUMBER: 08863159  
PATENT NUMBER: 5993469

*1419102*

FILING DATE: 05/27/1997  
ISSUE DATE: 11/30/1999

SERIAL NUMBER: 09022179  
PATENT NUMBER: 5997557

*1419103*

FILING DATE: 02/11/1998  
ISSUE DATE: 12/07/1999

SERIAL NUMBER: 08685577  
PATENT NUMBER: 6010522

*1419105*

FILING DATE: 07/24/1996  
ISSUE DATE: 01/04/2000

SERIAL NUMBER: 09287217  
PATENT NUMBER: 6027520

*1416103*

FILING DATE: 04/05/1999  
ISSUE DATE: 02/22/2000

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



03- 2001

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NLY

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office



101628501

Patents and Trademarks:  
document(s) or copy thereof.

2.26.01

1. Name of conveying party(ies):

EMBOL-X, Inc.

2. Name and address of receiving party(ies):

Name: SciMed Life Systems, Inc.

Internal Address:

Street Address: One SciMed Place

City: Maple Grove State: MN ZIP: 55311

Additional name(s) of conveying party(ies)  
attached? o Yes X No

3. Nature of conveyance:

- X Assignment o Merger  
o Security Agreement o Change of Name  
o Other

Additional name(s) & addresses attached?  
o Yes X No

Execution Date: November 17, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

U.S. Appln. Serial No. 09/335,849, filed June 15, 1999  
U.S. Appln. Serial No. 09/366,192, filed August 3, 1999  
U.S. Appln. Serial No. 09/369,052, filed August 4, 1999  
U.S. Appln. Serial No. 09/369,060, filed August 4, 1999

B. Patent No.(s)

U.S. Patent No. 5,662,671, issued September 2, 1997  
U.S. Patent No. 5,895,399, issued April 20, 1999  
U.S. Patent No. 5,910,154, issued June 8, 1999  
U.S. Patent No. 5,911,734, issued June 15, 1999

Additional numbers attached? X Yes o No

5. Name and address of party to whom correspondence  
concerning document should be mailed:

Name: Glenn M. Seager

Address: CROMPTON, SEAGER & TUFTE, LLC  
331 Second Avenue South, Suite 895  
Minneapolis, Minnesota 55401-2246

6. Total number of applications and patents  
involved: 19

7. Total fee (37 CFR 3.41): \$760.00

- X Enclosed  
X Authorized to be charged to deposit  
account any deficiencies in the enclosed  
fees or credit any overpayment.

8. Deposit Account Number: 50-0413  
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paying by deposit account)

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760.00 OP

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Name of Person Signing: Glenn M. Seager Signature:

Date: Feb. 20, 2001

Total number of pages comprising cover sheet, attachments and document: 4

OMB No. 0651-0011 (exp. 4/94)

Our File No.: 1001.1416101

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Box Assignments  
Washington, D.C. 20231

Page 2

Continuation of Box No. 4.

Assignment Recordation Form Cover Sheet-Patents Only

Application number(s) or patent number(s):

A. Patent Application No.(s)

U.S. Appln. Serial No. 09/421,138, filed October 19, 1999  
U.S. Appln. Serial No. 09/440,204, filed November 15, 1999  
U.S. Appln. Serial No. 09/453,659, filed December 3, 1999  
U.S. Appln. Serial No. 09/455,013, filed December 3, 1999  
U.S. Appln. Serial No. 09/470,026, filed December 22, 1999  
U.S. Appln. Serial No. 09/481,774, filed January 11, 2000  
U.S. Appln. Serial No. 09/560,360, filed April 28, 2000

B. Patent No.(s)

U.S. Patent No. 5,993,469, issued November 30, 1999  
U.S. Patent No. 5,997,557, issued December 7, 1999  
U.S. Patent No. 6,010,522, issued January 4, 2000  
U.S. Patent No. 6,027,520, issued February 22, 2000